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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 April 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>10-16</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>10-16</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is in response to correspondence filed 26 April 2007.

2.   Claims 10-16 remain pending.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4.   Claims 11 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5.   Regarding claim 11, claim 11 recites in line 18: "a system time clock/program clock reference rate ratio calculator..." Based on the use of a forward slash (/), it is unclear what is required by the claim limitation. Specifically, it is unclear if the claim is to be read (a) "a system time clock and program clock reference rate ratio calculator..." OR (b) "a system time clock or program clock reference rate ration calculator..." For examination purposes, the claim will be read as option (b), in the alternative form.

       Appropriate correction is required.

6.   Regarding claim 15, claim 15 recites in line 14: "a system time clock/program clock reference rate ratio calculator..." Based on the use of a forward slash (/), it is unclear what is required by the claim limitation. Specifically, it is unclear if the claim is to be read (a) "a system time clock and program clock reference rate ratio calculator..." OR (b) "a system time clock or

program clock reference rate ration calculator..." For examination purposes, the claim will be read as option (b), in the alternative form.

7.   Appropriate correction is required.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9.   This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10.   Claims 10-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hemkumar et al. (US 6,356,871 B1), hereinafter referred to as Hemkumar, in view of Olin (US 6,708,220 B1).

11.   Regarding claim 10, Hemkumar teaches a storage-type data broadcast system for transmitting a first transport stream constituting at least one content

and containing a plurality of packet data having a program clock reference as reference clock information when reproducing the content, at a second transfer rate different from a first transfer rate which is determined by the reference clock information, and extracting the plurality of packet data composing the content from the transmitted first transport stream to generate and store a second transport stream, the data broadcast service system comprising:

a transmitter for transmitting the first transport stream of the plurality of packet data composing the content at the second transfer rate (col. 12, lines 17-23).

Hemkumar teaches a receiver for receiving the transmitted first transport stream (col. 12, lines 24-29) but does not explicitly teach detecting a transfer rate ratio between the first transfer rate and the second transfer rate to generate the second transport stream based on the detected transfer rate ratio. However, in related art, Olin teaches on this aspect wherein Olin teaches a method for automatically adjusting transfer rates wherein a server monitors and records the transfer of selected data sets and therefore teaches on the detection of preferred transfer rate ratios (col. 6, ll. 28-37). One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to combine the teachings of Hemkumar with the teachings of Olin. One of ordinary skill in the art would have been motivated to make such a combination as taught by Olin wherein it is advantageous to utilize optimum levels of transfer rates regardless of network/modem speed, server, and other system characteristics (Olin, col. 6, ll. 34-37). Hemkumar and Olin teach the receiver comprising: a program clock

reference extractor for extracting the program clock reference contained in the

first transport stream ((Hemkumar, col. 12, lines 30-32), a system time clock

recoverer for recovering, based on the extracted program clock reference, a

system time clock which is a processing reference clock for the packet data

(Hemkumar, col. 12, ll. 30-44), a program clock reference correction factor

calculator for detecting the transfer rate ratio based on two contiguous extracted

program clock references, and deriving, based on the detected transfer rate ratio,

a correction factor for correcting the extracted program clock reference so as to

match the second transfer rate (Hemkumar, col. 12, lines 35-38), a program

clock reference corrector for correcting the extracted program clock reference

based on the derived correction factor (Hemkumar, col. 12, lines 35-38), and

wherein said system time clock recoverer is feedback-controlled to recover the

system time clock based on the corrected program clock reference (Hemkumar,

col. 12, lines 45-52).

12.   Regarding claim 11, Hemkumar teaches a storage-type data broadcast

system for transmitting a first transport stream constituting at least one content

and containing a plurality of packet data having a program clock reference as

reference clock information when reproducing the content, at a second transfer

rate different from a first transfer rate, which is determined by the reference clock

information, and extracting the plurality of packet data composing the content

from the transmitted first transport stream to generate and store a second

transport stream, the storage-type data broadcast service system comprising:

a transmitter for transmitting the first transport stream of the plurality of

packet data composing the content at the second transfer rate (col. 12, lines 17-

23).

Hemkumar teaches a receiver for receiving the transmitted first transport

stream (col. 12, lines 24-29) but does not explicitly teach detecting a transfer rate

ratio between the first transfer rate and the second transfer rate to generate the

second transport stream based on the detected transfer rate ratio. However, in

related art, Olin teaches on this aspect wherein Olin teaches a method for

automatically adjusting transfer rates wherein a server monitors and records the

transfer of selected data sets and therefore teaches on the detection of preferred

transfer rate ratios (col. 6, ll. 28-37). One of ordinary skill in the art at the time of

the applicant's invention would have found it obvious to combine the teachings of

Hemkumar with the teachings of Olin. One of ordinary skill in the art would have

been motivated to make such a combination as taught by Olin wherein it is

advantageous to utilize optimum levels of transfer rates regardless of

network/modem speed, server, and other system characteristics (Olin, col. 6, ll.

34-37). Hemkumar and Olin teach the receiver comprising: a program clock

reference extractor for extracting the program clock reference contained in the

first transport stream ((Hemkumar, col. 12, lines 30-32), a system time clock

recoverer for recovering, based on the extracted program clock reference, a

system time clock which is a processing reference clock for the packet data

(Hemkumar, col. 12, ll. 30-44), a system time clock/program clock reference

correction factor calculator for deriving, based on the extracted program clock

reference and the recovered system time clock, a correction factor for correcting

the extracted program clock reference so as to match the second transfer rate

(Hemkumar, col. 12, lines 35-38), a program clock reference corrector for

correcting the extracted program clock reference based on the correction factor

(Hemkumar, col. 12, lines 35-38), and wherein said system time clock recoverer

is feedback-controlled to recover the system time clock based on the corrected

program clock reference (Hemkumar, col. 12, lines 45-52).

13.   Regarding claim 12, Hemkumar teaches a storage-type data broadcast

system for transmitting a first transport stream constituting at least one content

and containing a plurality of packet data having a program clock reference as

reference clock information when reproducing the content, at a second transfer

rate different from a first transfer rate, which is determined by the reference clock

information, and extracting the plurality of packet data composing the content

from the transmitted first transport stream to generate and store a second

transport stream, the storage-type data broadcast service system comprising:

        a transmitter for transmitting the first transport stream of the plurality of

packet data composing the content at the second transfer rate (col. 12, lines 17-

23).

        Hemkumar teaches a receiver for receiving the transmitted first transport

stream (col. 12, lines 24-29) but does not explicitly teach detecting a transfer rate

ratio between the first transfer rate and the second transfer rate to generate the

second transport stream based on the detected transfer rate ratio. However, in

related art, Olin teaches on this aspect wherein Olin teaches a method for

automatically adjusting transfer rates wherein a server monitors and records the transfer of selected data sets and therefore teaches on the detection of preferred transfer rate ratios (col. 6, II. 28-37). One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to combine the teachings of Hemkumar with the teachings of Olin. One of ordinary skill in the art would have been motivated to make such a combination as taught by Olin wherein it is advantageous to utilize optimum levels of transfer rates regardless of network/modem speed, server, and other system characteristics (Olin, col. 6, II. 34-37). Hemkumar and Olin teach the receiver comprising: a program clock reference extractor for extracting the program clock reference contained in the first transport stream ((Hemkumar, col. 12, lines 30-32), a program clock reference specifier for causing said program clock reference extractor to extract, as a standard program clock reference, the program clock reference contained in the first transport stream and contained in packet data transferred at the first transfer rate (Hemkumar, col. 12, II. 30-44), and a system time clock recoverer for recovering, based on the extracted standard program clock reference, a system time clock which is a processing reference clock for the packet data (Hemkumar, col. 12, lines 35-38).

14.   Regarding claim 13, Hemkumar teaches a storage-type data broadcast system for transmitting a first transport stream constituting at least one content and containing a plurality of packet data having a program clock reference as reference clock information when reproducing the content, at a second transfer rate different from a first transfer rate, which is determined by the reference clock

information, and extracting the plurality of packet data composing the content

from the transmitted first transport stream to generate and store a second

transport stream, the storage-type data broadcast service system comprising:

a transmitter for transmitting the first transport stream of the plurality of

packet data composing the content at the second transfer rate (col. 12, lines 17-

23).

Hemkumar teaches a receiver for receiving the transmitted first transport

stream (col. 12, lines 24-29) but does not explicitly teach detecting a transfer rate

ratio between the first transfer rate and the second transfer rate to generate the

second transport stream based on the detected transfer rate ratio. However, in

related art, Olin teaches on this aspect wherein Olin teaches a method for

automatically adjusting transfer rates wherein a server monitors and records the

transfer of selected data sets and therefore teaches on the detection of preferred

transfer rate ratios (col. 6, ll. 28-37). One of ordinary skill in the art at the time of

the applicant's invention would have found it obvious to combine the teachings of

Hemkumar with the teachings of Olin. One of ordinary skill in the art would have

been motivated to make such a combination as taught by Olin wherein it is

advantageous to utilize optimum levels of transfer rates regardless of

network/modem speed, server, and other system characteristics (Olin, col. 6, ll.

34-37). Hemkumar and Olin teach the receiver comprising: a program clock

reference extractor for extracting the program clock reference contained in the

first transport stream ((Hemkumar, col. 12, lines 30-32), a system time clock

recoverer for recovering, based on the extracted program clock reference, a

system time clock which is a processing reference clock for the packet data

(Hemkumar, col. 12, II. 30-44), a program clock reference correction factor

generator for extracting the transfer rate ratio from the first transport stream, and

deriving, based on the extracted transfer rate ration, a correction factor for

correcting the extracted program clock reference so as to match the second

transfer rate (Hemkumar, col. 12, lines 35-38), a program clock reference

corrector for correcting the extracted program clock reference based on the

correction factor (Hemkumar, col. 12, lines 35-38), and wherein said system time

clock recoverer is feedback-controlled to recover the system time clock based on

the corrected program clock reference (Hemkumar, col. 12, lines 45-52).

15.   Regarding claim 14, Hemkumar teaches a receiver for receiving a first

transport stream constituting at least one content and containing a plurality of

packet data having a program clock reference as reference clock information

when reproducing the content, at a second transfer rate different from a first

transfer rate which is determined by the reference clock information, and

extracting the plurality of packet data composing the content from the received

first transport stream to generate and store a second transport stream (col. 12,

lines 24-29).

        Hemkumar teaches a receiver for receiving the transmitted first transport

stream (col. 12, lines 24-29) but does not explicitly teach detecting a transfer rate

ratio between the first transfer rate and the second transfer rate to generate the

second transport stream based on the detected transfer rate ratio. However, in

related art, Olin teaches on this aspect wherein Olin teaches a method for

automatically adjusting transfer rates wherein a server monitors and records the

transfer of selected data sets and therefore teaches on the detection of preferred

transfer rate ratios (col. 6, II. 28-37). One of ordinary skill in the art at the time of

the applicant's invention would have found it obvious to combine the teachings of

Hemkumar with the teachings of Olin. One of ordinary skill in the art would have

been motivated to make such a combination as taught by Olin wherein it is

advantageous to utilize optimum levels of transfer rates regardless of

network/modem speed, server, and other system characteristics (Olin, col. 6, II.

34-37). Hemkumar and Olin teach the receiver comprising: a program clock

reference extractor for extracting the program clock reference contained in the

first transport stream (Hemkumar, col. 12, lines 30-32), a system time clock

recoverer for recovering, based on the extracted program clock reference, a

system time clock which is a processing reference clock for the packet data

(Hemkumar, col. 12, II. 30-44), a program clock reference correction factor

calculator for detecting the transfer rate ratio based on two contiguous extracted

program clock references, and deriving, based on the detected transfer rate ratio,

a correction factor for correcting the extracted program clock reference so as to

match the second transfer rate (Hemkumar, col. 12, lines 35-38), a program

clock reference corrector for correcting the extracted program clock reference

based on the derived correction factor (Hemkumar, col. 12, lines 35-38), and

wherein said system time clock recoverer is feedback-controlled to recover the

system time clock based on the corrected program clock reference (Hemkumar,

col. 12, lines 45-52).

16.   Regarding claim 15, Hemkumar teaches a receiver for receiving a first

transport stream constituting at least one content and containing a plurality of

packet data having a program clock reference as reference clock information

when reproducing the content, at a second transfer rate different from a first

transfer rate which is determined by the reference clock information, and

extracting the plurality of packet data composing the content from the received

first transport stream to generate and store a second transport stream (col. 12,

lines 24-29).

        Hemkumar teaches a receiver for receiving the transmitted first transport

stream (col. 12, lines 24-29) but does not explicitly teach detecting a transfer rate

ratio between the first transfer rate and the second transfer rate to generate the

second transport stream based on the detected transfer rate ratio. However, in

related art, Olin teaches on this aspect wherein Olin teaches a method for

automatically adjusting transfer rates wherein a server monitors and records the

transfer of selected data sets and therefore teaches on the detection of preferred

transfer rate ratios (col. 6, ll. 28-37). One of ordinary skill in the art at the time of

the applicant's invention would have found it obvious to combine the teachings of

Hemkumar with the teachings of Olin. One of ordinary skill in the art would have

been motivated to make such a combination as taught by Olin wherein it is

advantageous to utilize optimum levels of transfer rates regardless of

network/modem speed, server, and other system characteristics (Olin, col. 6, ll.

34-37). Hemkumar and Olin teach the receiver comprising: a program clock

reference extractor for extracting the program clock reference contained in the

first transport stream (Hemkumar, col. 12, lines 30-32), a system time clock recoverer for recovering, based on the extracted program clock reference, a system time clock which is a processing reference clock for the packet data (Hemkumar, col. 12, ll. 30-44), a system time clock/program clock reference rate ratio calculator for deriving, based on the extracted program clock reference and the recovered system time clock, a correction factor for correcting the extracted program clock reference so as to match the second transfer rate (Hemkumar, col. 12, lines 35-38), a program clock reference corrector for correcting the extracted program clock reference based on the correction factor (Hemkumar, col. 12, lines 35-38), and wherein said system time clock recoverer is feedback-controlled to recover the system time clock based on the corrected program clock reference (Hemkumar, col. 12, lines 45-52).

17.   Regarding claim 16, Hemkumar teaches a receiver for receiving a first transport stream constituting at least one content and containing a plurality of packet data having a program clock reference as reference clock information when reproducing the content, at a second transfer rate different from a first transfer rate which is determined by the reference clock information, and extracting the plurality of packet data composing the content from the received first transport stream to generate and store a second transport stream (col. 12, lines 24-29).

Hemkumar teaches a receiver for receiving the transmitted first transport stream (col. 12, lines 24-29) but does not explicitly teach detecting a transfer rate ratio between the first transfer rate and the second transfer rate to generate the

second transport stream based on the detected transfer rate ratio. However, in related art, Olin teaches on this aspect wherein Olin teaches a method for automatically adjusting transfer rates wherein a server monitors and records the transfer of selected data sets and therefore teaches on the detection of preferred transfer rate ratios (col. 6, ll. 28-37). One of ordinary skill in the art at the time of the applicant's invention would have found it obvious to combine the teachings of Hemkumar with the teachings of Olin. One of ordinary skill in the art would have been motivated to make such a combination as taught by Olin wherein it is advantageous to utilize optimum levels of transfer rates regardless of network/modem speed, server, and other system characteristics (Olin, col. 6, ll. 34-37). Hemkumar and Olin teach the receiver comprising: a program clock reference extractor for extracting the program clock reference contained in the first transport stream (Hemkumar, col. 12, lines 30-32), a program clock reference specifier for causing said program clock reference extractor to extract, as a standard program clock reference, the program clock reference contained in the first transport stream and contained in packet data transferred at the first transfer rate (Hemkumar, col. 12, ll. 30-44), anda system time clock recoverer for recovering, based on the extracted standard program clock reference, a system time clock which is a processing reference clock for the packet data (Hemkumar, col. 12, lines 35-38).

Response to Arguments

18. Applicant's arguments filed 26 April 2007 have been fully considered but they are not persuasive.

Claims 10 and 14

19.   Applicant argues that claims 10 and 14 are patentable over the combination of Hemkumar and Olin since claims 10 and 14 recite a storage-type data broadcast service system, including, in part, a receiver having a system time clock recoverer for recovering, based on an extracted program clock reference contained in a first transport stream, a system time clock which is a processing reference clock for packet data; a program clock reference correction factor calculator for detecting a transfer rate ratio between a first transfer rate and a second transfer rate based on two contiguous extracted program clock references, and deriving, based on the detected transfer rate ratio, a correction factor for correcting the extracted program clock reference so as to match the second transfer rate; and a program clock reference corrector for correcting the extracted program clock reference based on the derived correction factor, wherein the system time clock recoverer is feedback-controlled to recover the system time clock based on the corrected program clock reference. Applicant further argues that the claimed storage-type data broadcast service system is capable of recovering the system time clock even when distribution occurs at, for example, a bit stream transfer rate. And finally argues that the combination of Hemkumar and Olin fails to disclose or suggest the above-discussed features of claim 10 that are capable of achieving this effect. Specifically, applicant argues (on page 9, first full paragraph) that Hemkumar fails to disclose or suggest the claimed "system time clock recoverer, program clock reference correction factor calculator, and program clock reference corrector" as recited in claim 10.

Examiner respectfully disagrees with the applicant. In response to applicant's

initial argument, examiner sustains the rejection as outlined above in the

rejections with respect to the newly filed claims. In response to applicant's

argument that Hemkumar fails to disclose or suggest a "system time clock

recover, a program clock reference correction factor calculator, and program

clock reference corrector", examiner maintains that Hemkumar teaches on these

aspects in column 12. Specifically, Hemkumar teaches on the aspect of a

"system time clock recoverer" in lines 24-30 wherein a System Time Clock (STC)

is appropriately set and derived from an oscillator and is generated on the

decoder end of the system. Hemkumar teaches on the aspect of a "program

clock reference correction factor calculator" in lines 35-38 of column 12 wherein a

PCR value is calculated wherein synchronization is deemed necessary. Finally,

Hemkumar teaches on the aspect of a "program clock reference corrector" in

lines 35-38 of column 12 wherein Hemkumar further teaches the need to

calculate and synchronize received PCR values by the decoder in order to

maintain synchronization. Therefore, with respect to the combination of

Hemkumar and Olin, claims 10 and 14 are not deemed patentable.

Claims 11 and 15

20.   Applicant argues that claims 11 and 15 are patentable over the

combination of Hemkumar and Olin since claims 11 and 15 recite a storage-type

data broadcast service system, including, in part, a receiver having a system time

clock recoverer for recovering, based on an extracted program clock reference

contained in a first transport stream, a system time clock which is a processing

reference clock for packet data; a system time clock/program clock reference

rate ratio calculator for deriving, based on the extracted program clock reference

and the recovered system time clock, a correction factor for correcting the

extracted program clock reference so as to match a second transfer rate; and a

program clock reference corrector for correcting the extracted program clock

reference based on the correction factor, wherein the system time clock

recoverer is feedback- controlled to recover the system time clock based on the

corrected program clock reference. And argues further that the combination of

Hemkumar and Olin fails to disclose or suggest the above-discussed features of

claim 10 that are capable of achieving this effect. Specifically, applicant argues

that Hemkumar fails to disclose or suggest the claimed "system time clock

recoverer, system time clock/program clock reference rate ratio calculator, and

program clock reference corrector" as recited in claim 11. Examiner respectfully

disagrees with the applicant. In response to applicant's initial argument,

examiner sustains the rejection as outlined above in the rejections with respect to

the newly filed claims. In response to applicant's argument that Hemkumar fails

to disclose or suggest a "system time clock recoverer, system time clock/program

clock reference rate ratio calculator, and program clock reference corrector",

examiner maintains that Hemkumar teaches on these aspects in column 12.

Specifically, Hemkumar teaches on the aspect of a "system time clock recoverer"

in lines 24-30 wherein a System Time Clock (STC) is appropriately set and

derived from an oscillator and is generated on the decoder end of the system.

Hemkumar teaches on the aspect of a "system time clock/program clock

reference rate ratio calculator" in lines 35-38 of column 12 wherein a PCR value

is calculated wherein synchronization is deemed necessary. Finally, Hemkumar

teaches on the aspect of a "program clock reference corrector" in lines 35-38 of

column 12 wherein Hemkumar further teaches the need to calculate and

synchronize received PCR values by the decoder in order to maintain

synchronization. Therefore, with respect to the combination of Hemkumar and

Olin, claims 11 and 15 are not deemed patentable.

Claims 12 and 16

Applicant argues that claims 12 and 16 are patentable over the combination of

Hemkumar and Olin since claim 12 recites a storage-type data broadcast service

system, including, in part, a receiver having a program clock reference extractor

for extracting a program clock reference contained in a first transport stream; a

program clock reference specifier for causing the program clock reference

extractor to extract, as a standard program clock reference, the program clock

reference contained in the first transport stream and contained in packet data

transferred at a first transfer rate; and a system time clock recoverer for

recovering, based on the extracted standard program clock reference, a system

time clock which is a processing reference clock for the packet data. Specifically,

applicant argues that Hemkumar fails to disclose or suggest the claimed "system

time clock recoverer, a program clock reference specifier, and a system time

clock recoverer" as recited in claim 12. Examiner respectfully disagrees with the

applicant. In response to applicant's initial argument, examiner sustains the

rejection as outlined above in the rejections with respect to the newly filed claims.

In response to applicant's argument that Hemkumar fails to disclose or suggest a "system time clock recoverer, a program clock reference specifier, and a system time clock recoverer", examiner maintains that Hemkumar teaches on these aspects in column 12. Specifically, Hemkumar teaches on the aspect of a "system time clock recoverer" in lines 24-30 wherein a System Time Clock (STC) is appropriately set and derived from an oscillator and is generated on the decoder end of the system. Hemkumar teaches on the aspect of a "a program clock reference specifier" in lines 35-38 of column 12 wherein a PCR value is calculated wherein synchronization is deemed necessary. Finally, Hemkumar teaches on the aspect of a "a system time clock recoverer" in lines 35-38 of column 12 wherein Hemkumar further teaches the need to calculate and synchronize received PCR values by the decoder in order to maintain synchronization. Therefore, with respect to the combination of Hemkumar and Olin, claims 12 and 16 are not deemed patentable.

Claim 13

Applicant argues that claim 13 is patentable over the combination of Hemkumar and Olin since claim 13 recites a storage-type data broadcast service system, including, in part, a receiver having a system time clock recoverer for recovering, based on an extracted program clock reference contained in a first transport stream, a system time clock which is a processing reference clock for packet data; a program clock reference correction factor generator for extracting the transfer rate ratio from the first transport stream, and deriving, based on the extracted transfer rate ratio, a correction factor for correcting the extracted

program clock reference so as to match the second transfer rate; and a program

clock reference corrector for correcting the extracted program clock reference

based on the correction factor, wherein the system time clock recoverer is

feedback- controlled to recover the system time clock based on the corrected

program clock reference. Specifically, applicant argues that Hemkumar and Olin

fail to disclose or suggest the claimed "system time clock recoverer, a program

clock reference correction factor generator, and program clock reference

corrector" as recited in claim 13. Examiner respectfully disagrees with the

applicant. In response to applicant's initial argument, examiner sustains the

rejection as outlined above in the rejections with respect to the newly filed claims.

In response to applicant's argument that Hemkumar fails to disclose or suggest a

"system time clock recoverer, a program clock reference correction factor

generator, and program clock reference corrector", examiner maintains that

Hemkumar teaches on these aspects in column 12. Specifically, Hemkumar

teaches on the aspect of a "system time clock recoverer" in lines 24-30 wherein a

System Time Clock (STC) is appropriately set and derived from an oscillator and

is generated on the decoder end of the system. Hemkumar teaches on the

aspect of a "a program clock reference correction factor generator" in lines 35-38

of column 12 wherein a PCR value is calculated wherein synchronization is

deemed necessary. Finally, Hemkumar teaches on the aspect of a "program

clock reference corrector" in lines 35-38 of column 12 wherein Hemkumar further

teaches the need to calculate and synchronize received PCR values by the

decoder in order to maintain synchronization. Therefore, with respect to the

combination of Hemkumar and Olin, claims 12 and 16 are not deemed

patentable.

Conclusion

21.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of

time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire

THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory

action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be

calculated from the mailing date of the advisory action. In no event, however, will

the statutory period for reply expire later than SIX MONTHS from the mailing
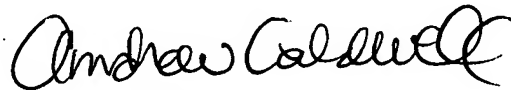
date of this final action.

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Benjamin A. Ailes whose telephone number is

(571)272-3899. The examiner can normally be reached on M-F 6:30-4, IFP

Work Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The

fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

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Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

baa

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER